

## **REMARKS/ARGUMENTS**

### **Interview**

The undersigned thanks the Examiner for the courtesy of a telephone interview to discuss the Office Action and appreciates the helpful suggestions.

A discussion with Examiner Vu was conducted via telephone in the present matter on August 6, 2008. While no agreement was reached, substantial progress was made in identifying allowable subject matter and furthering prosecution. After a brief summary of the invention and the prosecution history thusfar, several differences were identified between the present application and the cited art, including that U.S. Patent Publication No. 2002/0129129 to Bloch et al. ("Bloch") failed to teach the type of application independence from its compiler agent program recited in the independent claims (see discussion below). Applicant agreed to amend the claims to clarify those differences between the present application and the cited art.

The claims are amended in this Amendment at least to reflect Examiner's suggestions and in an attempt to address Examiner's concerns.

### **Status of Claims**

Prior to entry of this amendment, the application included claims 1 – 6 and 8 – 25. Claims 1, 13, 17, 18, and 25 are amended; no claims are cancelled; and claims 37 and 38 are added. Hence, after entry of this Amendment, claims 1 – 6, 8 – 25, 37, and 38 stand pending for examination. A Request for Continued Examination is submitted concurrently herewith. Applicant respectfully requests reconsideration of this application in light of the amendments.

Claims 1, 13, and 25 are objected to for because "text files executing in combination according to said program" is an "inappropriate use of language." Office Action, p. 2. Applicant requests withdrawal of this objection for at least the reason that the objection is moot in light of the current amendments to claims 1, 13, and 25.

Claims 17 and 18 are amended to fix improper antecedent basis by amending "client computer system" to "computer system." The amendments are only intended to correct a previously unidentified typographical error and should not be construed as affecting the scope of the claims in any way.

Claims 1-6, 8-12 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the cited portions of U.S. Patent Publication No. 2002/0129129 to Bloch et al. (“Bloch”). Claims 13-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bloch in view of the cited portions of U.S. Patent No. 6,314,451 to Landsman et al. (“Landsman”). Applicant traverses at least for the reasons below.

**Rejections Under 35 U.S.C. § 103(a)**

Independent claims 1 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bloch. Independent claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bloch in view of Landsman. To establish a prima facie case of obviousness, the cited references, combined with the knowledge of those of ordinary skill in the art, must teach or suggest all the claim limitations. Applicant respectfully traverses this rejection at least because the combination of the cited references with ordinary knowledge in the art fails to teach or suggest all the recitations of claims 1, 13, and 25.

Specifically, Bloch does not teach or suggest an application that is created from downloaded text files and that is “stored on said computer system in a compiled form so as to be ***executable independent from said program*** in a runtime environment independent from said program,” as generally recited in claims 1, 13, and 25. Instead, Bloch apparently discloses a program (i.e., an Application Virtual Machine, or AVM) that “downloads one or more text files from the server, retrieves program logic from each of the downloaded files, and assembles the retrieved program logic into a functioning, graphical application in temporary memory” (*see Bloch*, Abstract (emphasis added)).

Thus, essentially, Bloch seems to teach a program that only temporarily invokes an application, where the application is executable only within the program (the AVM) that invoked it (i.e., the application is spawned in RAM as a part of the AVM). As such, for example, if the AVM in Bloch is deleted, the spawned “application” could no longer be assembled (i.e., the application could not be run without reloading the AVM). This is different from using an agent program to compile an application so the application may be executable independent from the agent program in a runtime environment independent from the agent

program. Unlike in Bloch, if the agent program is removed, the independent application may still be retained and executed in a wholly independent runtime environment.

Many portions of Bloch seem to support this understanding of Bloch as generally teaching that the application execution is performed by, and completely dependent on, the AVM. For instance, paragraph [0028] of Bloch describes the AVM as providing “a method for deploying and executing Extensible Markup Language applications . . .” Paragraphs [0030] – [0034] and [0044] include similar statements. Most striking, Paragraph [0047] states that “the AVM is used to execute ‘Virtual Applications’ that are assembled from files and programs residing on one or more computers on a network. Only AVM 221 is installed on a Client Device 10. Other files residing on Network Server(s) 131 are downloaded over a Network 121 to assemble the complete Virtual Application 20 that is then executed by the AVM 221 on the Client Device 10.” Paragraph [0047] goes on to note that “[t]he XML Files 144 and Image Files 145 specify the appearance and behavior of the assembled Virtual Application 20 during execution by the AVM 221 and in response to user interactions during such execution.”

The portions of Bloch cited by the Office Action even further seem to support Applicant’s reading of Bloch. For example, the Office Action points to paragraphs [0086] and [0087] as teaching an application that is executable independent from the program that created the application. However, Paragraph [0086] describes tasklists that include client tasks, conditional tasks and host tasks, and Paragraph [0087] states that these “[t]asklists are executed by the AVM when an event occurs to which they are linked.” A tasklist cannot be both executed by an AVM and executable independent from the AVM.

The Office Action also points to paragraph [0100]. This paragraph describes the interaction of the application and the AVM. For example, paragraph [0100] describes “[a]s the user interacts with components, the AVM 221 detects, in a platform dependent way, changes to the visual appearance of the component that reflect the entry of data, the selection of a choice, putting focus on a component, and the like (step 92).” The paragraph also describes how an AVM session is ended after function is executed by the system handler. If the function (or application) is truly independent of the AVM, why then is the AVM terminated at the end of the

function? Thus, the application and AVM are dependent applications rather than independent applications.

The Office Action also points to paragraph [0102] as describing message boxes that are unique to the operating system. These message boxes occur in response to some action by the AVM. Thus, these message box tasks are dependent on the AVM and not an application created by the AVM. Moreover, these message boxes are, as noted by the Office Action, operating system procedures that are not an application created by the AVM from downloaded text files. The claims require that the same application that is created by the AVM execute independent from the AVM. Operating system procedures or calls have not been downloaded by the AVM.

The Office Action also points to paragraph [0103] as describing remote procedures. Remote procedures are procedures that occur remote from the client computer system and not at the client computer system. The claims require, in part, that a program (i.e., the AVM) create an application from text files on the client computer system and that the application is executable independent from the program. Simply put, remote calls are not executed on the client computer system. Moreover, these remote calls are not part of the application downloaded and created by the AVM.

The Office Action also points to paragraph [0105] of Bloch as referring to a database handler. This paragraph does not teach or suggest that the database handler is executable independent of the AVM. There is also nothing in Bloch to suggest that the database handler is created by the AVM from text files.

The Office Action also points to paragraph [0109] of Bloch as referring to “user interface . . . accessing any database . . . to test new software.” Paragraph [0109] describes how the AVM is used to test software, assemble user interfaces, access any database, etc. Therefore, the AVM as described is not independent from anything. It is completely dependent with software testing, user interface assembling, and database accessing.

From these and other exemplary portions of Bloch, it is clear that the application is not executable independent from the AVM. For at least this reason, Bloch fails to teach or suggest all the recitations of independent claims 1, 13, and 25. Further, the Office Action

provides no suggestion that Landsman or ordinary knowledge in the art includes any teachings to remedy these deficiencies of Bloch. As such, the combined teachings of the art, as cited by the Office Action, fail to establish a *prima facie* case of obviousness as to independent claims 1, 13, and 25.

Applicant respectfully submits that the specified limitations in independent claims 1, 13, and 25 are allowable for at least the foregoing reasons. Claims 2 – 6, 8 – 12, 14 – 24, 37, and 38 each depend from these independent claims, and are believed allowable for at least the same reasons as given above. Applicant, therefore, respectfully requests that the §103(a) rejections to these claims be withdrawn.

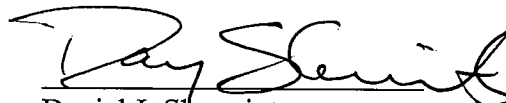
### CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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Daniel J. Sherwinter  
Reg. No. 61,751

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, CA 94111-3834  
Tel: 303-571-4000  
Fax: 415-576-0300  
DJS/sk  
61450890 v1